

REMARKS

Claims 12-37 were pending in this application. Claims 1-11 were previously canceled and no claims have been added. Hence, claims 12-37 remain pending in this application.

Independent claims 12, 20, and 29 were amended to clarify that the price charged by the broker for each transaction represents the broker's commission and the price statistics and the comparative price statistics are statistics on the broker's commissions. Support for the amendments may be found throughout the application in general and at least on page 8 of the specification.

No new matter has been added.

Rejection of the Claims

Claims 12, 15-19, and 29-37 were rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,681,211 (Gatto).

Claims 13-14 and 20-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gatto in view of US Patent No. 6,275,814 (Giansante et al.).

These rejections are respectfully traversed.

Arguments in Support of the Claims

Applicant thanks the Examiner for the thorough analysis of the application and the detailed comments provided in the Office Action. Nevertheless, Applicant respectfully submits that there is a fundamental flaw in the Examiner's understanding of the claimed invention and the prior art references.

The present invention is directed to a framework for comparing brokers according to the prices they charge (i.e., commission). Amended independent claims 12, 20, and 29, specifically recite, among other things, that the price charged by the broker for each transaction represents the broker's commission and the price statistics and the comparative price statistics

are statistics on the broker's commissions. Nowhere does Gatto disclose or suggest such a framework. Gatto merely discloses measuring the predictive prowess of a securities analyst in predicting the earnings of a public company in the future.

Giansante et al. fails to remedy the defects in Gatto. Giansante et al. merely discloses a way of evaluating investment assets by treating certain asset characteristics as probabilistic random variables and averaging the resultant portfolios at each risk level.

Accordingly, because neither Gatto nor Giansante et al., nor any other art of record, taken alone or in combination, discloses or suggests the invention as recited in amended independent claims 12, 20, and 29, withdrawal of the rejection against these claims is respectfully requested.

As for dependent claims 13-19, 21-28, and 30-37, although they may recite independently allowable subject matter, these claims depend from independent claims 12, 20, and 29, respectively, and are therefore allowable for at least the same reasons as claims 12, 20, and 29.

CONCLUSION

In view of the above, Applicant believes the pending claims are in condition for allowance and the Examiner is respectfully requested to pass this application to issuance.

Dated: July 22, 2005

Respectfully submitted,

By 
Daniel G. Nguyen

Registration No.: 42,933
JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION
5 Houston Center
1401 McKinney, Suite 2600
Houston, Texas 77010
(713) 951-3354
Attorneys For Applicant